

1678  
**RECEIVED**

FEB 21 2003

TECH CENTER 1600/2900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Min Lu et al.  
Title: Antigen for Developing Neutralizing antibodies to Human Immunodeficiency Virus  
Docket No.: 1676.002US1  
Filed: June 8, 2001  
Examiner: Jeffrey Parkin  
Serial No.: 09/877606  
Due Date: February 14, 2003  
Group Art Unit: 1648

Commissioner for Patents  
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.  
☒ Response to Restriction Requirement (2 Pages).

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Robin A. Chadwick  
Atty: Robin A. Chadwick  
Reg. No. 36,477

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 7th day of February, 2003.

Dawn M. Pale  
Name

Dawn M. Pale  
Signature

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

(GENERAL)



RECEIVED

FEB 21 2003

TECH CENTER 1600/2900

#18  
Elec.  
02/27/03

S/N 09/877,606

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Min Lu. et al.	Examiner:	Jeffrey S. Parker
Serial No.:	09/877,606	Group Art Unit:	1648
Filed:	June 8, 2001	Docket:	1676.002US1
Title:	ANTIGEN FOR DEVELOPING NEUTRALIZING ANTIBODIES TO HUMAN IMMUNODEFICIENCY DISEASE		

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Applicant has reviewed the communication making a Restriction Requirement mailed January 14, 2004, wherein the Examiner has requested election of one of the following groups:

- Group I.**      **Claims 48-61**, drawn to a viral envelope protein, classified in class 424, subclasses 188.1 and 208.1.
- Group II.**    **Claims 62-80**, drawn to vaccine compositions and methods of vaccinating against viral infections, classified in class 424, subclasses 188.1 and 208.1.
- Group III.**   **Claims 81-85**, drawn to an antibody that binds to a viral envelope glycoprotein, classified in class 530, subclass 387.1.
- Group IV.**    **Claims 86-87**, drawn to a viral antigen detection assay, classified in class 435, subclasses 5 and 7.1.
- Group V.**     **Claims 88-89**, drawn to a method of inhibiting viral infectivity by administering an envelope-specific antibody, classified in class 424, subclass 130.1
- Group VI.**    **Claims 90-91**, drawn to a viral drug screening assay, classified in class 435, subclass.

Applicant provisionally elects, with traverse, the claims of Group I (claims 48-61).

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it

**RESPONSE TO RESTRICTION REQUIREMENT**

Serial Number: 09/877,606

Filing Date: June 8, 2001

Title: ANTIGEN FOR DEVELOPING NEUTRALIZING ANTIBODIES TO HUMAN IMMUNODEFICIENCY VIRUS

Page 2

Dkt: 1676.002US1

arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of all of the claims of the present application can be made without serious burden on the Office.

Applicants submit that the claims of Groups I-VI constitute one invention within the context of 35 U.S.C. § 121 and that SEQ ID NO:48-91 are not so independent and distinct as to require separate examination. For example, the claims of Groups I, II and V are all classified in class 424 and the claims of Groups IV and VI are all classified in class 435. Moreover, not only are the claims of Groups I and II classified in class 424, but they are also classified in subclasses 188.1 and 208.1. Accordingly, the subject matter of Groups I, II and V (especially Groups I and II) can easily be searched together. Similarly, the subject matter of Groups IV and VI can be searched together.

Given the close relationship between the subject matter of the claims, no additional serious burden can result from the search and examination of all of the claims. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

The Examiner is invited to contact Applicants' Representative if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

MIN LU et. al.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(516) 795-6820

Date

Feb. 7, 2003

By

Robin A. Chadwick

Robin A. Chadwick

Reg. No. 36,477

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 7th day of February, 2003.

Name

Dawn M. Poole

Signature

Dawn M. Poole